

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN SILVA,

Petitioner,

v.

MAGGIE MILLER-STOUT,

Respondent.

Case No. C05-5142FDB

ORDER DENYING  
APPLICATION TO PROCEED *IN*  
*FORMA PAUPERIS*

The Magistrate Judge recommended that Petitioner be denied *in forma pauperis* status as he has sufficient funds to pay the \$5.00 filing fee, and because Petitioner had paid the fee.

Petitioner objects to the R&R because he asserts that he will need a lawyer appointed by the Court . This issue was not before the Magistrate Judge, however, and will not be addressed for the first time here.

The Court, having reviewed the report and recommendation, Plaintiff's application to proceed in forma pauperis and the remaining record, hereby finds and ORDERS:

(1) the Magistrate Judge's report and recommendation is approved and adopted;

(2) Petitioner's application to proceed in forma pauperis is DENIED.

(3)( The **Clerk** is directed to send directed to send copies of this Order to Plaintiff and any other party that has appeared in this action.

DATED this 20<sup>th</sup> day of April 2005.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE